



AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that ethanol-blend fuel pumps are available at retail stations

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

H. R. 6

To reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources,

AMENDMENT No. 1563

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 By Dorgan

 To: AMDT. No. 1502

Ref _____ and

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Page(s)

GPO: 2006 30-772 (Mec)

 AMENDMENT intended to be proposed by Mr. DORGAN (for himself and Mr. CRAIG) to the amendment (No. _____) proposed by Mr. REID ^{Add.}

Kerry

Viz:

- 1 On page 47, after line 23, insert the following:
- 2 **SEC. 131. INSTALLATION OF ETHANOL-BLEND FUEL PUMPS**
- 3 **BY COVERED OWNERS AT RETAIL STATIONS.**
- 4 Section 211(o) of the Clean Air Act (42 U.S.C.
- 5 7545(o)) is amended by adding at the end the following:

1 “(11) INSTALLATION OF ETHANOL-BLEND
2 FUEL PUMPS BY COVERED OWNERS AT RETAIL STA-
3 TIONS.—

4 “(A) DEFINITIONS.—In this paragraph:

5 “(i) BLENDER PUMP.—The term
6 ‘blender pump’ means any fuel pump
7 that—

8 “(I) combines ethanol and gaso-
9 line products from separate under-
10 ground storage tanks;

11 “(II) uses inlet valves from the
12 tanks to enable varying quantities of
13 ethanol and gasoline products to be
14 blended within a chamber in the
15 pump; and

16 “(III) dispenses the various
17 blends of ethanol and gasoline prod-
18 ucts through separate hoses.

19 “(ii) COVERED OWNER.—The term
20 ‘covered owner’ means any person that, in-
21 dividually or together with any other per-
22 son with respect to which the person has
23 an affiliate relationship or significant own-
24 ership interest, owns 15 or more retail sta-

1 tion outlets, as determined by the Sec-
2 retary.

3 “(iii) ETHANOL-BLEND FUEL.—The
4 term ‘ethanol-blend fuel’ means a blend of
5 gasoline not more than 85 percent, nor less
6 than 70 percent, of the content of which is
7 derived from ethanol produced in the
8 United States, as defined by the Secretary
9 in a manner consistent with applicable
10 standards of the American Society for
11 Testing and Materials.

12 “(iv) MAJOR OIL COMPANY.—The
13 term ‘major oil company’ means any per-
14 son, individually or together with any other
15 person, that has an ownership interest in
16 200 or more retail station outlets.

17 “(v) SECRETARY.—The term ‘Sec-
18 retary’ means the Secretary of Energy,
19 acting in consultation with the Adminis-
20 trator and the Secretary of Agriculture.

21 “(B) ASSESSMENT.—Not later than 3
22 years after the date of enactment of this para-
23 graph, the Secretary shall make an assessment
24 of the progress made toward the penetration of
25 not less than 5 percent of the market of fuel

1 pump infrastructure for the production and dis-
2 tribution of ethanol-blend fuel (including the
3 creation of adequate qualified alternative fuel
4 vehicle refueling property that contains blender
5 pumps).

6 “(C) REGULATIONS.—If the Secretary de-
7 termines (based on the assessment conducted
8 under subparagraph (B)) that adequate
9 progress has not been made toward the pene-
10 tration described in subparagraph (B), the Sec-
11 retary shall promulgate regulations to ensure
12 that, to the maximum extent practicable, each
13 covered owner installs or otherwise makes avail-
14 able 1 or more pumps that dispense ethanol-
15 blend fuel (including any other equipment nec-
16 essary, such as tanks, to ensure that the pumps
17 function properly) at not less than the applica-
18 ble percentage of the retail station outlets of
19 the covered owner specified in subparagraph
20 (E).

21 “(D) CONSIDERATIONS.—In promulgating
22 regulations, the Secretary shall take into ac-
23 count—

1 “(i) the number of retail gas stations
2 that are wholly owned by major oil compa-
3 nies;

4 “(ii) the concentration of flexible fuel
5 vehicles in a geographic area;

6 “(iii) any refueling infrastructure cor-
7 ridors established under section 121(b) of
8 the Renewable Fuels, Consumer Protec-
9 tion, and Energy Efficiency Act of 2007;
10 and

11 “(iv) any covered owners that own
12 more than 15 retail station outlets.

13 “(E) APPLICABLE PERCENTAGES.—For
14 the purpose of subparagraph (C), the applicable
15 percentage of the retail station outlets shall
16 be—

17 “(i) during the 10-year period begin-
18 ning on the date on which any determina-
19 tion is made under subparagraph (C), 10
20 percent; and

21 “(ii) after the 10-year period de-
22 scribed in clause (i), 20 percent.

23 “(F) FINANCIAL RESPONSIBILITY.—In
24 promulgating regulations under subparagraph
25 (C), the Secretary shall ensure that each cov-

1 ered owner covered by this paragraph assumes
2 full financial responsibility for the costs of in-
3 stalling or otherwise making available the
4 pumps required under those regulations and
5 any other equipment necessary (including
6 tanks) to ensure that the pumps function prop-
7 erly.

8 “(G) PRODUCTION CREDITS FOR EXCEED-
9 ING ETHANOL-BLEND FUEL PUMPS INSTALLA-
10 TION REQUIREMENT.—

11 “(i) EARNING AND PERIOD FOR AP-
12 PLYING CREDITS.—If the percentage of the
13 retail station outlets of a covered owner at
14 which the covered owner installs ethanol-
15 blend fuel pumps in a particular calendar
16 year exceeds the percentage required under
17 subparagraph (C), the covered owner shall
18 earn credits under this paragraph, which
19 may be applied to any of the 3 consecutive
20 calendar years immediately following the
21 calendar year for which the credits are
22 earned.

23 “(ii) TRADING CREDITS.—A covered
24 owner that earns credits under clause (i)
25 may sell credits to another covered owner

1 to enable the purchaser to meet the re-
2 quirements of this paragraph.”.